

**CENTRAL PUGET SOUND  
GROWTH MANAGEMENT HEARINGS BOARD  
STATE OF WASHINGTON**

LAURELHURST COMMUNITY CLUB,	)	
FRIENDS OF BROOKLYN, RAVENNA-	)	<b>Case No. 03-3-0016</b>
BRYANT COMMUNITY ASSOCIATION,	)	
UNIVERSITY DISTRICT COMMUNITY	)	<b>(Laurelhurst II)</b>
COUNCIL, UNIVERSITY PARK	)	
COMMUNITY CLUB, SEATTLE	)	
DISPLACEMENT COALITION,	)	
HAWTHORNE HILLS COMMUNITY	)	<b>ORDER FINDING</b>
COUNCIL and NORTHEAST DISTRICT	)	<b>CONTINUING</b>
COUNCIL,	)	<b>NONCOMPLIANCE and</b>
	)	<b>ESTABLISHING A SECOND</b>
Petitioners,	)	<b>COMPLIANCE SCHEDULE</b>
	)	
v.	)	
	)	
CITY OF SEATTLE, a municipal	)	
corporation; UNIVERSITY OF	)	
WASHINGTON,	)	
	)	
Respondents.	)	
	)	

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**I. BACKGROUND**

On March 3, 2004, the Board issued its Final Decision and Order (**FDO**) in the above captioned case. The FDO found the City of Seattle noncompliant with the public participation provisions of the Act – RCW 36.70A. .020(11), .035, .130, and .140. The FDO also set forth a compliance schedule and set a date for the compliance hearing. The Board gave the City 180 days, from the date of the FDO, to achieve compliance. The compliance schedule was set forth as follows: 1) by August 30, 2004 the City is to take appropriate legislative action to comply with the Act; 2) the City is to file a statement of actions taken to comply (**SATC**) with the Board by September 6, 2004; 3) Petitioners were given until September 13 to file a Response to the SATC; and 4) September 20, 2004 was the date set for the compliance hearing.

On July 30, 2004, the Board received “City of Seattle’s Motion to Modify Compliance Schedule.”

On August 3, 2004, the Board **denied** the City’s motion.<sup>1</sup> In the 8/3/04 the Board explained that: 1) it had provided the City the maximum time allowed by statute to take

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<sup>1</sup> See 8/3/04 Order Denying Motion to Modify Compliance Schedule.

corrective action; 2) the Board had no authority to extend the compliance period beyond the 180-day limit; and 3) the compliance schedule would remain as stated in the Board's 3/3/04 FDO. However, the Board did indicate, "If the City chooses it may file a *stipulation indicating that is in continuing noncompliance* and a new compliance schedule will be set accordingly." 8/3/04 Order, at 2.

On August 30, 2004,<sup>2</sup> the Board received "City of Seattle's Second Motion to Modify Compliance Schedule" (**City's Second Motion**). The motion suggested that the City Council was unable to reach a final legislative decision on the remand issue by the August 30, 2004 action deadline, thus the City was requesting additional time to achieve compliance. City Second Motion, at 1-2.

The Board notes that it did not receive a response from Petitioners on either the City's first or second motions to modify the compliance schedule.

## **II. DISCUSSION**

Since the City Motion indicates that the City was not able to adhere to the maximum 180-day compliance schedule established in the FDO, and the City has asked for more time to complete its public process for the compliance proceeding, the Board will construe the City's Second Motion as a stipulation that the City of Seattle is in continuing noncompliance in the *Laurelhurst II* matter (CPSGMHB Case No. 03-3-0016). Therefore, the Board issues this **Order of Continuing Noncompliance**, and establishes a new compliance schedule for the City.

## **III. ORDER**

Having reviewed the GMA and considered the FDO, prior motions and Orders of the Board in this matter, the City's Second Motion, and having deliberated on the matter, the Board ORDERS:

- In the matter of *Laurelhurst Community Club, et al., v. City of Seattle*, CPSGMHB Case No. 03-3-0016, and the City has stipulated that it was unable to adhere to the statutory timeframe set forth in the compliance schedule in the Board's March 3, 2003 FDO. The City has requested more time to complete the public process prior to taking legislative action to comply with the GMA. Therefore, **the Board finds the City of Seattle is in Continuing Noncompliance in this matter**. The Board hereby establishes a second compliance schedule for the City as set forth in Appendix A to this Order. The schedule set forth therein will govern the remainder of the compliance proceedings in this matter.

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<sup>2</sup> August 30, 2004 was the deadline established in the FDO for the City to take legislative action to comply with the GMA.

So ORDERED this 2<sup>nd</sup> day of September 2004.

CENTRAL PUGET SOUND GROWTH MANAGEMENT HEARINGS BOARD

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Bruce C. Laing, FAICP  
Board Member

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Edward G. McGuire, AICP  
Board Member

## APPENDIX A

### Second Compliance Schedule

#### Laurelhurst II, CPSGMHB Case No. 03-3-0016

1. The Board establishes **4:00 p.m. on December 2, 2004** as the deadline for the City of Seattle to take appropriate legislative action to achieve compliance with the goals and requirements of the GMA as interpreted and set forth in the Board's March 3, 2004 FDO.
2. By **December 14, 2004, at 4:00 p.m.**, the City shall submit to the Board, with a copy simultaneously served on Petitioners, an original and four copies of its Statement of Actions Taken to Comply (the **SATC**). Attached to the SATC shall be a copy of any legislative action taken in response to this Order. By this same date, the County shall file a "**Remand Index**," listing the procedures (meetings, hearings *etc.*) occurring during the remand period and materials (documents, reports, analysis, testimony *etc.*) considered during the remand period in taking the remand action. The Remand Index shall also be served on Petitioners along with the SATC.
3. By **January 6, 2005, at 4:00 p.m.**, the Petitioners shall submit to the Board, with a copy simultaneously served on opposing counsel, an original and four copies of any Response to the SATC.
4. By **January 11, 2005, at 4:00 p.m.**, the City may submit to the Board, with a copy simultaneously served on opposing counsel, an original and four copies of any Reply to any Response to the SATC.
5. The Board schedules a **Compliance Hearing** in this matter for **10:00 a.m. on January 20, 2005**. The Compliance Hearing will be held at the Board's offices at 900 Fourth Avenue, Suite 2470, in Seattle, WA.
6. If the parties so stipulate, by joint motion, the Board will consider holding the Compliance Hearing telephonically.